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February 10, 2023

BY ECF

Honorable Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Acosta, et al. v. City of New York, et al.,
22-CV-00576 (FB) (RER)

Your Honor:

I am a Senior Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants City of New York, Ramos, Schmidt, Holguin, and O'Connor in the above-referenced matter. In light of the mediation currently scheduled for March 2, 2023, the parties write jointly to request (1) a sixty-day enlargement of time from the mediation date to complete discovery and (2) adjourning the final pre-trial conference, currently scheduled for February 14, 2023, to a date convenient for the Court but after the proposed discovery deadline.

By way of background, under the current case management plan ("CMP"), fact discovery is set to close today, February 10, 2023, and the parties are to attend a final pre-trial conference on February 14, 2023. (ECF No. 16). On December 22, 2022, the parties scheduled mediation with Judge Pohorelsky for March 2, 2023. (ECF entry dated 12/22/2022). To date, while the parties have exchanged substantial paper discovery, no depositions have been taken. In light of the upcoming mediation, however, the parties would like to exhaust settlement efforts before scheduling any depositions. In the event the parties are unable to resolve this matter at mediation, the proposed discovery schedule will afford the parties additional time to resolve any outstanding discovery issues and schedule depositions.

Accordingly, given the posture of this case, the parties respectfully request the Court (1) a sixty-day enlargement of time from the mediation date to finalize paper discovery and

schedule depositions and (2) adjourning the final pre-trial conference from February 14, 2023 to a date convenient for the Court but after the proposed discovery deadline.

The parties thank the Court for its consideration of this request.

Respectfully submitted,

By: /s/ Michael Pesin-Virovets
Michael Pesin-Virovets
Senior Counsel

cc: **By ECF**

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